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Guy Nathan

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NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT

PAPER NUMBER

2623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/584,797	Applicant(s) NATHAN ET AL.	
	Examiner Sumaiya A. Chowdhury	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/23/07 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-3, 5-9, 13-16, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 5355302) in view of Barone et al. (US 5315711) and Gordon (5920700).

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Claim 1, Martin discloses a system for remote management of at least one audiovisual information reproduction device (abstract; Fig. 1) comprising a host server 11 able to manage each audiovisual information reproduction device 13 when a communication is set up between the host server 11 and the audiovisual information reproduction device, the host server 11, communicating with a plurality of audiovisual information reproduction devices 13 comprising storage means 25, 51 capable of storing a database containing, for each audiovisual information reproduction device:

management information (Col. 5, lines 65-Col. 6, lines 60), which can be consulted by the server,

a set of available musical selections (catalog 95 and 93; Col. 5, lines 65-Col. 6, lines 60) which can be consulted and modified by the server, and

a set of possible operating parameter configurations (whether to replace/update specific song; available storage and available size...; Col. 5, lines 65-Col. 6, lines 60) which can be consulted by the server,

wherein the host server 11 also comprises a network site manager 21 managing a network site installed on the server (Col. 3, lines 65-Col. 4, lines 3 and Col. 5, lines 60-65+), and communicating with the database 23 (Col. 3, lines 25-30);

Martin discloses that a network site manager 21 able to manage at least one audiovisual information reproduction device 13 for modifying the operating parameters of each selected audiovisual information reproduction device, for ordering at least one song for downloading on the audiovisual information

reproduction systems from a chosen list of devices or to delete at least one song; for displaying information about the history use of an audiovisual information reproduction device, as discussed.

Martin does not specifically disclose "wherein an operator responsible for management of at least one audiovisual information reproduction device can remotely access the screens, and the screens comprises at least a 1<sup>st</sup> screen displaying the list of audiovisual information reproduction devices installed locally and for which usage information is available, the choice of at least one validated audiovisual information reproduction device causing the display of at least one of the following series of screen:

a 1<sup>st</sup> series of screens that the operator can use to modify the operating parameters, which control the audiovisual information reproduction devices, of each selected audiovisual information reproduction device, by sending, from the remote device via the server to each selected audiovisual information reproduction device, a modification command file generated by the server by using information from the database.

a 2<sup>nd</sup> series of screens that the operator can use to order at least one song for downloading to at least one of the selected audiovisual information reproduction devices or to delete at least one song;

a 3<sup>rd</sup> series of screens displaying information about the historical use of an audiovisual information reproduction device."

In other words, Martin does not disclose the network site is remotely accessible by an operator and having a plurality of screens (GUI) for performing various management tasks.”

Barone discloses a GUI interface, which allows “a user”, i.e., network administrator, to dynamically configure/manage remote network sites **via series of screens (see Fig. 6)**. This combination would result of having Martin ‘s system to be able of having an “Operator” using a GUI interface manually controls/manages plurality of remote devices 12 (see Fig. 6; Col. 12, lines 27-63; Col. 14, lines 5-Col. 15, lines Col. 17, lines 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin with Barone so to remotely and centrally controlling a plurality of host processors from a single remote workstation, wherein the level of control available and the user interface characteristics at the remote workstation are equivalent to the level of control available and user interface characteristics at the host processor’s local operation console, as suggested by Barone (Col. 3, lines 60-67).

Although Martin and Barone teach a series of screens they both fail to teach at least one of the following:

a) displaying information that the operator can use to modify the operating parameters, which control the audiovisual information reproduction devices, of each selected audiovisual information reproduction device, by sending, from the remote device via the server to each selected audiovisual information

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reproduction device, a modification command file generated by the server by using information from the database.

b) displaying information that the operator can use to order at least one song for downloading to at least one of the selected audiovisual information reproduction devices or to delete at least one song;

c) displaying information about the historical use of an audiovisual information reproduction device.

In an analogous art, Gordon teaches:

displaying information that the operator can use to order at least one song for downloading to at least one of the selected audiovisual information reproduction devices or to delete at least one song – (col. 5, line 40 – col. 6, line 15);

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Martin and Barone's invention to include the above mentioned limitation, as taught by Gordon, in order to continually optimize storage availability and utilization.

Claim 2, Martin (Col. 5, lines 65-Col. 6, lines 21) in view of Barone and Gordon further discloses that the network site manager 21 collects information about the operation of each audiovisual information reproduction device 13 displayed on each screen, and displayed the list of available songs, in the database.

Claim 3, as to limitation "characterized in that modification made by the operator in the 1<sup>st</sup> and /or 2<sup>nd</sup> screens are stored in a file and are translated into the language of the database to update the data modified in these series of screens and update each audio visual information reproductions as soon as a communication is set up between the host server and each audiovisual information reproduction device" is inherently met by Martin in view of Barone and Gordon due to the fact that Martin 's audiovisual information reproduction devices 13 interface/interact with the host server 11 and its databases via a well known Open Database Connectivity ("ODBC") interface for translating and interfacing with connected database.

Claim 5, limitation "the screens in the 1<sup>st</sup> and 2<sup>nd</sup> series of screens comprise a toolbar with a plurality of selection buttons that trigger a display of a screen from the 1<sup>st</sup> or 2<sup>nd</sup> series screen, or validate operations performed on the screen being displayed" is further met by Martin in view of Barone and Gordon's GUI interface (X windows) as discussed in claim 1.

Claim 6, limitation "a 1<sup>st</sup> selection button in the toolbar initiates the display of the 3<sup>rd</sup> screen comprising a 1<sup>st</sup> window displaying information relating to the location of the audiovisual information reproduction device chosen by the operator, and an input area to update the information displayed in the 1<sup>st</sup> windows if required" is



further met by Martin in view of Barone and Gordon's GUI interface as discussed in claim 1 because of the interactivity of events within the windows graphical interface.

Claim 7, limitation "a second selection button in the toolbar triggers the display of 4<sup>th</sup> screen in the 2<sup>nd</sup> series of screens comprising several input areas that will be used to define selection criteria for selecting songs, the list of corresponding songs being initially collected in the database by the site manager sending a request containing the criteria chosen by the operator in the input fields, and secondly displayed in a popup window in the screen" is further met by Martin in view of Barone and Gordon's GUI interface as discussed in claim 1 because of the interactivity or events within the windows graphical interface.

Claim 8, limitation "validating the choice of a song selected in the window in the 4<sup>th</sup> screen triggers the display of a 5<sup>th</sup> screen comprising a plurality of areas containing elements identifying the selected song, a window displaying the list of audiovisual information reproduction devices managed by the operator, a 1<sup>st</sup> selection area validating the purchase of the selected song for the audiovisual information reproduction devices selected by the operator in the window, by sending a request to the site manager, and a 2<sup>nd</sup> selection area displaying the 4<sup>th</sup> screen again" is further met by Martin in view of Barone and Gordon's GUI interface as discussed in claim 1 because of the interactivity or events within the windows graphical interface.

Claim 9, limitation "a 3<sup>rd</sup> selection button on the toolbar triggers the display of a 6<sup>th</sup> screen comprising firstly a number of fields containing information about the use of the audiovisual information reproduction device chosen by the operator, secondly a 1<sup>st</sup> popup window containing the list of songs to be downloaded to the audiovisual information reproduction device chosen by the operator and a second window containing the list of songs to be deleted from this audiovisual information reproduction device, and thirdly a 1<sup>st</sup> selection area triggering cancellation of downloading of at least one song previously selected by the operator in the 1<sup>st</sup> window, and a 2<sup>nd</sup> selection area triggering cancellation of the deletion of at least one song previously selected by the operator in the 2<sup>nd</sup> window" is further met by Martin in view of Barone and Gordon's GUI interface as discussed in claim 1 because of the interactivity or events within the windows graphical interface in which Martin's updating function performs.

Claim 13, limitation "characterized in that a 6<sup>th</sup> selection button in the tool bar triggers the display of a 9<sup>th</sup> screen comprising a window displaying all modifications made by the operator at the time of his connection to the network site managed by the site manager, a 1<sup>st</sup> selection area triggering validation of all operations displayed in the 1<sup>st</sup> window and a 2<sup>nd</sup> selection area canceling all these modification" is further met by Martin in view of Barone and Gordon as discussed in claim 1, wherein the claimed feature "a 1<sup>st</sup> selection area triggering validation of all operations displayed

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in the 1<sup>st</sup> window and a 2<sup>nd</sup> selection area canceling all these modification" is inherently/obviously met because for the validation purposes of any editing/modification of data.

Claim 14, "characterized in that a 7<sup>th</sup> selection button triggers the display of a screen comprising at least one selection area that can be used to activate or deactivate a particular function of the audiovisual information reproduction device", is further met by Martin in view of Barone and Gordon as discussed in claim 1 because Barone shows various GUI 's Box (X windows) that allows user to control the function of the remote host device.

Claim 15, limitation "characterized in that an eighth button in the toolbar triggers the display of a screen that will be used to define a default basic configuration of all or some of the audiovisual information reproduction devices managed by the operator" is further met by Martin in view of Barone and Gordon as discussed in claim 1, wherein the claimed feature "a default basic configuration of all or some of the audiovisual information reproduction devices managed" is inherently met because each audiovisual information reproduction device has its own default configuration that is set by either the manufacture or by network administrator during the configuration of each audiovisual information reproduction device that connects to the network.

Claim 16, "characterized in that the 2<sup>nd</sup> series of screens includes a screen containing a 1<sup>st</sup> menu in which the song category required by the operator is selected, a 2<sup>nd</sup> menu in which the style of the song required by the operator is selected, and a selection area in which the operator validates his choice to trigger the display of a 2<sup>nd</sup> screen comprising a 1<sup>st</sup> window displaying the list of songs in the 1<sup>st</sup> category and style chosen by the operator, and a second windows displaying the list of songs selected by the operator in the list in the 1<sup>st</sup> window and a selection area in which the operator validates his choice" is further met Martin in view of Barone and Gordon's GUI interface (X windows) as discussed in claim 1 because of the interactivity or events, i.e., validate the selection within the windows graphical interface.

Claim 18, "characterized in that the 2<sup>nd</sup> window also comprises the list of songs already memorized on the audiovisual information reproduction device" is further met by Martin in view of Barone and Gordon, as discussed in claim 1, due to Martin' s updating function and the interactivity or events within the windows graphical interface in which Martin the list of songs already memorized on the audiovisual information reproduction device.

Claim 20, Martin further discloses that the system comprises a magnetic or optical recording system such that the songs selected by the operator are recorded

on a portable magnetic or optical medium, or a solid state electronic memory, preferably semi-conductor based (see Fig. 1, el. 25, 51).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 5355302) in view of Barone et al. (US 5315711) and Gordon, and further in view of Nichols et al. (US 6138150).

Claim 4, Martin in view of Barone and Gordon does not disclose that the network site manager comprises means for authenticating the operator designed to limit the operator's access to the audiovisual information reproduction devices that the operator manages.

Nichols (Col. 5, lines 20-27) discloses that the network site manager comprises means of authentication of the operator designed to limit the operator's access to the audiovisual information reproduction devices that the operator manages. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin in view of Barone and Gordon to limit access to the system, as taught by Nichols so to enhance security and access right for protecting data.

6. Claims 10 and 17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 5355302) in view of Barone et al. (US 5315711) and Gordon, and further in view of Kleiman (US 5959945).

Claim 10, as analyzed in claim 1, Martin in view of Barone and Gordon further meets claimed limitation "a 4<sup>th</sup> selection button on the toolbar triggers the display of a 7<sup>th</sup> screen comprising several fields, a 1<sup>st</sup> window, a 2<sup>nd</sup> window, the 7<sup>th</sup> screen also contain selection area that triggers deletion of the song (s) selected by the operator in the 2<sup>nd</sup> window" due to Martin's updating function and the interactivity or events within the windows graphical interface (X windows) disclosed by Barone.

Martin in view of Barone and Gordon does not clearly disclose "information about statistics on the use of the information reproduction device chosen by the operator, list of most frequently played songs, list of least frequently played songs on the audiovisual reproduction device chosen by the operator".

Kleiman discloses information about statistics on the use of the information reproduction device (Col. 9, lines 44-57), list of most frequently played songs, list of least frequently played songs on the audiovisual reproduction device (Col. 10, lines 18-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin in view of Barone and Gordon with Kleiman so the operator could effectively determine music to be downloaded to the corresponding jukebox.

Claim 17, Martin in view of Barone and Gordon does not clearly disclose "characterized in that the list of displayed songs is collected in the database among the most frequently played song on all the operator's jukeboxes or among the songs

most frequently played on all jukeboxes managed by the server or among the songs most frequently played on all jukeboxes installed in all branches belonging to the same determined category”.

Kleiman discloses information about statistics on the use of the information reproduction device (Col. 9, lines 44-57), list of most frequently played songs, list of least frequently played songs on the audiovisual reproduction device (Col. 9, lines 40-56 and Col. 10, lines 18-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin in view of Barone and Gordon with Kleiman so the operator could effectively determine music to be downloaded to the corresponding jukebox.

Claim 19, “characterized in that the 3<sup>rd</sup> series of screens comprises at least one screen comprising a window” is further met by Martin in view of Barone and Gordon, as discussed in claim 1, because of the interactivity or events within the windows graphical interface (X windows). As to “indicating the date(s) on which the audiovisual information reproduction device was switched off/ and or on” and “indicating the date(s) on which a communication device and the host server was stopped”, they are further met by Barone due to function of the network management protocol that monitor the activities of each node connected to the network (see Col. 1, lines 48-65).

Martin in view of Barone and Gordon does not clearly disclose displaying the list of songs played by the audiovisual information reproduction device, and the date on which each song was played;

Kleiman discloses information about statistics on the use of the information reproduction device (Col. 9, lines 40-56 and Col. 10, lines 18-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin in view of Barone and Gordon with Kleiman so the operator could effectively determine music to be downloaded to the corresponding jukebox.

7. Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 5355302) in view of Barone et al. (US 5315711) and Gordon, and further in view of Rhoads (US 6311214).

Claim 11, as analyzed in claims 1 and 5, Martin in view of Barone and Gordon further meets claimed limitation characterized in that a 5<sup>th</sup> selection button on the toolbar triggers the display of a screen comprising a 1<sup>st</sup> series and a 2<sup>nd</sup> series of input areas that the operator can use to choose.

Martin in view of Barone and Gordon does not clearly disclose the operator can use to choose for each price the number of possible selections after paying the price in those input areas.



Rhoads discloses the operator can use to choose for each price the number of possible selections after paying the price, in those input areas (Col. 51, lines 22-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin in view of Barone and Gordon with Rhoads so the operator could have a flexibility to control access of the owned song/music (Col. 51, lines 10-21).

Claim 21, Martin further discloses songs are recorded on a portable magnetic or optical medium in a compressed format, the songs only being decompressed and when the song is played on an audiovisual information reproduction device.

Martin in view of Barone and Gordon does not disclose recorded song are encrypted and decrypted when the song is played back.

Rhoads discloses that songs are encrypted and recorded on a portable magnetic or optical medium in a compressed format, the songs only being decompressed and decrypted when the song is played on an audiovisual information reproduction device (Col. 44, lines 17-col.45, lines 22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin in view of Barone and Gordon with Rhoads so to prevent unauthorized copy and use of the recorded media.

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8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 5355302) in view of Barone et al. (US 5315711) and Gordon, and further in view of Dobbs et al. (US 5566237).

Claim 12, as discussed in claim 1, limitation "the eighth screen comprises a plurality of input areas used to choose" is met by Martin in view of Barone and Gordon, as discussed in claim 1, because of the interactivity or events within the windows graphical interface (X windows).

Martin in view of Barone and Gordon does not disclose parameters required to adjust audio reproduction means of the audiovisual information reproduction device.

Dobbs discloses parameters required to adjust audio reproduction means of the audiovisual information reproduction device (Abstract and Summary). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Martin in view of Barone and Gordon with Dobbs by including a sound level adjusting method in order to vary the attenuation of the variable volume circuit from the remote site (Col.9, lines 62-Col.10, lines 16).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC

  
ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER